

REPLY TO FINAL OFFICE ACTION OF 12/13/2002

SERIAL NO: 09/336,424
DOCKET NO: 149-0112US**REMARKS**

This paper is intended to be a complete response to the above-identified Final Office Action mailed on December 13, 2002.

To facilitate the complete examination of the pending claims, Applicants hereby Request Continued Examination under 17 CFR 1.114. A check for the required fee is enclosed. If additional fees are required, however, the Assistant Commissioner is authorized to deduct the necessary charges from Deposit Account 501922/149-0112US.

Figures

The Examiner's request for formal drawings is acknowledged. Formal drawings will be submitted once allowable subject matters are identified.

Claims and Claim Formalities

Claims 1, 26, 51 are rejected by the Examiner under 35 U.S.C. 112, second paragraph. These three claims have been amended to conform to 35 U.S.C. 112, second paragraph requirements. Claim 1 is a method claim. Steps of the method and elements in the steps are positively specified. Claims 26 and 51 are directed to a device and a computer readable medium that practice the method as claimed in claim 1. These three claims have been reformatted for readability. All these claims are in one sentence form. It is respectfully requested that rejection under 35 U.S.C. § 112, second paragraph against claim 1, 26, and 51 be withdrawn.

Section 103 Rejections

Claims 1 through 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niblett et al. (U.S. Patent No. 6,336,135B1) in view of Mutschler III, et al. (U.S. Patent No. 5,940,075).

Claims 1, 26, and 51 have been amended to require the "message" to contain all three elements: a definition, a state change and a command.

REPLY TO FINAL OFFICE ACTION OF 12/13/2002

SERIAL NO: 09/336,424
DOCKET NO: 149-0112US

As to previously amended Claim 12, the Examiner acknowledged that Niblett does not explicitly disclose the step of:

"sending a message to said remote device, said message comprising either a definition, a state change, a command or some combination thereof, said definition defining a fixed aspect of a said application software program, said state change describing a change in a non-fixed aspect of said application software program, said command being a directive that causes said remote device to perform said act."

The Applicants submit that the above-cited step in the claimed method is taught in the current application, rather than any prior art references. The Examiner cited no references either in Niblett or Mutschler that the above-cited step is a desirable step in the prior art. The Examiner stated with no support:

"Thus the artisan would have been motivated to look to the related networking art for potential method and apparatus for implementing the sending message to said remote device, said message comprising either a definition, a state change, a command or some combination thereof."

The Applicants submit that Niblett not only does not explicitly disclose such a step, neither does it teach nor fairly suggest the desirability to have such a step. Artisans would have no motivation to practice such a step until the disclosure in the current application.

The Examiner further claimed that "in the same field of endeavor, Mutschler, related methods for extending the hypertext markup language (HTML) to support enterprise application data binding." The Applicants respectfully disagree. Niblett is classified in U.S. Classification 709/215, 709/227 and 709/314 while Mutschler is classified in class 345/335 and 345/356. There is no overlapping between the two U.S. patents. Niblett is directed to a gateway for converting a synchronous client server protocol into an asynchronous messaging protocol and storing session state information at the client while Mutschler is directed to a method for extending the hypertext markup language (HTML) to support enterprise application data binding.

REPLY TO FINAL OFFICE ACTION OF 12/13/2002

SERIAL NO: 09/336,424
DOCKET NO: 149-0112US

Arguendo, assuming that Mutschler can be combined with Niblett, Mutschler does not disclose the missing element in Niblett, as discussed further below.

The Examiner, by citing that in Niblett the gateway program may issue "NQGET_WAIT" command or assigning session ID, asserts that Niblett disclosed a step of:

"recognizing that a dependence on said remote device, say the dependence being a need for said remote device to perform some act, said act allowing said application software program to continue to operate."

The gateway program may respond to a request from a web browser but its operation does not "depend" on the request from any one particular web browser. Just like any web server program, the web server disclosed in Niblett will continue to operate waiting for one specific browser or any other browsers. The web browser or gateway program in Niblett will not stop operating, i.e. stop responding to any other browsers when one of the browsers is not sending request to the web server. Therefore, the web server program or gateway program on the server in Niblett is not dependent on a remote device such as a web browser to operate. The web server disclosed in Niblett or the gateway program disclosed in Niblett does not satisfy the claim limitation that "said dependence being a need for said remote device to perform some act, said act allowing said application programs to continue to operate."

The Examiner does not allege that Mutschler discloses anything similar to the step of "recognizing that a dependence . . ."

Therefore, neither Niblett nor Mutschler has disclosed at least the step of "recognizing that a dependence . . ." Neither Niblett nor Mutschler has disclosed all the claim limitations as recited in claim 12. Accordingly, Claim 12 is not made obvious by Niblett in view of Mutschler. Claims 13 through 25 are dependent on Claim 12. Therefore, they are not obvious in view of Niblett or Mutschler.

REPLY TO FINAL OFFICE ACTION OF 12/13/2002

SERIAL NO: 09/336,424
DOCKET NO: 149-0112US

As to currently amended Claim 1, one of the steps requires a message which is comprised of a definition, a state change and a command, all of which are also specifically defined in that claim element. As stated above, the Applicants submit that there is no teaching or fair suggestion in neither Niblett nor Mutschler that those two references should be combined. The Examiner cited the session identifier and session state information in Niblett and the forms disclosed in Mutschler against the three elements recited in claim 1. The Examiner fails to identify which element disclosed in either Niblett or Mutschler corresponds to which claimed element. The Applicants submit that neither alone nor in combination that Niblett and Mutschler disclosed all three required elements in that step, i.e. the definition, the state change and the command. For example, "a definition is a fixed aspect of a user environment," which a session identifier or session state information may arguably be a type of definition. Similarly, the form as disclosed in Mutschler could be a fixed aspect of a user environment. There is no disclosure regarding "a state change which describes a change in a non-fixed aspect of said user environment" in either Niblett or Mutschler. Furthermore, there is no disclosure regarding to "a command which is a directive that causes a function to be performed." Mutschler may have disclosed somewhere that an OPEN command may be transmitted from a web browser to a web server but it is not in a message together with a definition and a state change.

As to the claim element "processing said definition, said processing of said definition occurring before said state change is processed and before said command is processed," neither Niblett nor Mutschler discloses one. As indicated above, while Niblett may have disclosed the session identifier or state information, which may be similar to the definition as in the claim element, but there is no disclosure regarding the state change element nor the command element.

As to the element "processing said state change, said processing of said state change occurring before said command is processed, and processing said command," the Applicants submit that Niblett does not disclose anything resembling a state change

REPLY TO FINAL OFFICE ACTION OF 12/13/2002

SERIAL NO: 09/336,424
DOCKET NO: 149-0112US

as cited in the claim element. Therefore, Niblett does not disclose a step of "processing said state change." The Examiner asserted that Mutschler

"also discloses that in response to inputs by user of the client indicating completion of interaction with the displayed GUI controls, the web control interprets such input and invokes the process that sends data to the host application next the web agent parts the URL to obtain the command. After this an inquiry is made as to whether or not the command is transmit."

It is clear that the steps disclosed in Mutschler are not in the same message as cited in the claim. There are many steps and processes in the quote as cited by the Examiner. Mutschler disclosed a back and forth interaction between the web browser and the web server. As recited in the claim, the message is sent from the remote device and processed by the server. A command in the Claim is part of the message which also contains a definition and a change of state. The command as in the Claim is not in a separate message which is separate from the definition and change of state. Therefore, neither Niblett nor Mutschler individually or in combination disclose all the claimed elements in claim 1. Accordingly, Claim 1 is not made obvious by Niblett or Mutschler. Claims 2 through claim 11 are dependent on claim 1. Therefore, Claim 1 through Claim 11 are all patentable.

Claims 26 through claim 52 contain at least the same elements as Claim 1 or Claim 12. For at least the same reasons that Claim 1 and Claim 12 are allowable, Claims 26 through 52 are allowable.

Applicants have addressed most elements that are common in the independent Claims to show that they are novel and non-obvious. Once the independent claims are allowable, dependent claims are allowable. It is not necessary to address all elements in all dependent claims which may not affect the claimed subject matter's patentability.

In addition, Applicants submit that the Examiner has failed to follow the 37 C.F.R. § 1.104(c) in several rejections such that Applicants are not sure what grounds

REPLY TO FINAL OFFICE ACTION OF 12/13/2002

SERIAL NO: 09/336,424
DOCKET NO: 149-0112US

upon which the Examiner are basing his rejections. According to 37 C.F.R. § 1.104(c),
Rejection of claims:

"(2) In rejecting claims for want of novelty or for obviousness, the Examiner must cite the best references at his or her command. When a reference is complex or shows or describes this invention other than that claimed by the applicant, *the particular part relied on must be designated as nearly as practicable*. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."
(Emphasis added.)

For example, in alleging that one claim limitation in Claim 12 was disclosed by Niblett, Examiner cites col. 11, lines 53-67 and col. 12, line 1 through col. 16, lines 52, which is almost four (4) columns in the patent specification.

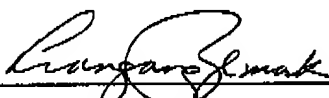
CONCLUSIONS

Reconsideration of the pending Claims 1-52 in light of the above remarks and amendments; and their allowance are respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

Respectfully submitted,

3/12/2003

Date



Liangang (Mark) Ye
Reg. No. 48,276
Email: mye@counselIP.com
Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.
20333 SH 249, Suite 600
Houston, Texas 77070
Voice: 832-446-2407
Facsimile: 832-446-2424